

16.11.2021

CRM 2116 of 2021

Court No.28
Item No.20
(REJECTED)

Ab

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.02.2021 in connection with Canning Women Police Station case No. 18 of 2020 dated 14.02.2020 under Sections 376(2)(n)/370/372/373/328/325/506 of the Indian Penal Code read with Section 6/17 of the Protection of Children from Sexual Offences Act;

And

In the matter of : **Ramjan Molla.**

...Petitioner.

Mr. Ratan Das.

...For the Petitioner.

Mr. Rudradipta Nandy.

... For the State.

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Canning Women Police Station case No. 18 of 2020 dated 14.02.2020 under Sections 376(2)(n)/370/372/373/328/325/506 of the Indian Penal Code read with Section 6/17 of the Protection of Children from Sexual Offences Act.

Learned Advocate for the petitioner submits that the petitioner is languishing in jail for nearly two years in connection with the aforementioned case whereas the other co-accused have already been enlarged on bail. It is further submitted that the petitioner is not a principal accused but has been entangled with the aforementioned case because of his acquaintance with the principal

accused as a villager.

Learned Advocate for the State opposes the prayer for bail. It is submitted that the petitioner does not stand on the same footing that of the another co-accused, namely, Saddam Hossain, and there is a serious allegation against him, which would be evident from the statement of the minor victim girl recorded under Section 164 of the Code of Criminal Procedure.

After hearing the respective Counsels and on perusal of materials on record including the statement of the minor victim girl recorded under Section 164 of the Code of Criminal Procedure, it transpires that the petitioner, in fact, has given the phone number of the principal accused and acted as a facilitator in establishing the relationship. The minor victim girl further divulged that the petitioner is involved in a sex racket and, in fact, has sold her at Rs.3,00,000/-.

In view of the allegation, which appears to be serious in nature, we do not think that it is a fit case where the petitioner should be enlarged on bail.

The application for bail being CRM 2116 of 2021 is, thus, ***rejected.***

However, we request the learned Judge, Special Court under Protection of Children from Sexual Offences Act, to expedite the trial of the case.

(Harish Tandon, J)

(Rabindranath Samanta,J.)